IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.524 OF 2006
IN
CRI.APPEAL NO.483 OF 2006

Sanjeev Sundarlal Shah & Ors. .. Applicants.
vs
The State of Maharashtra, .. Respondent

Mr Subodha Desai i/b Smt Sharmila Kaushik, for the applicants.
Mr R.Y.Mirza, APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 11th JULY, 2006

P.C.:

1. Today when the matter was called out Mr Subodha Desai, learned counsel for the appellant, prayed for adjournment. Even on the last occasion,i.e. 13.6.2006, time was sought and the matter was adjourned for four weeks. In view thereof I am unable to accede to the request made by the learned counsel for the applicant. Mr Desai, expressed his inability to argue this application on merits. Hence I am deciding this application for bail after going through the judgment. Heard the learned APP for the respondent.

2. This is an application for bail in the appeal which has already been admitted on merits. The applicants-original accused nos 1 to 3 were charged and tried of the offences punishable under sections

498A r/w 120-B or in the alternative section 34 of IPC, under section 302 r/w 120-B or in the alternative Section 304-B r/w 120-B of IPC and Section 4 of Dowry Prohibition Act,1961. However, they have been convicted under Section 498-A r/w 34 of IPC and under section 304-B r/w 34 of IPC as also under Section 4 of Dowry Prohibition Act. The maximum sentence awarded under section 304-B r/w 34 is to suffer R.I for a period of eight years. Insofar as the charge under section 120B r/w 302, 302 r/w 34 of IPC is concerned, all the applicants-accused have been acquitted. The case against applicant no.1 rests on the circumstantial evidence. I have perused the judgment of the trail Court. in my opinion, sufficient circumstances have been brought on record by the prosecution to prove the charge against applicant no.1. At this stage, the findings recorded by the trial Court cannot be said to be perverse or unreasonable and they are sufficient to hold applicant no.1 guilty of the offence beyond reasonable doubt. In the circumstances, the application insofar as applicant no.1 is concerned, is rejected.

. Applicant nos 2 and 3 have already been released on bail vide order dated 4.5.2006. This application is accordingly disposed of.

(D.B.BHOSALE,J.)